



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable E. Mitchell Roob
Secretary
Indiana Family and Social Services Administration
402 W. Washington Street
P.O. Box 7083
Indianapolis, Indiana 46207-7083

Dear Secretary Roob:

Thank you for your timely submission of Indiana's State Performance Plan (SPP) for review under Part C of the Individuals with Disabilities Education Act (IDEA). Section 616(b) of the Act requires States to submit, within one year after the date of enactment of the reauthorized IDEA, an SPP that evaluates the State's efforts to implement the requirements and purposes of IDEA and describes how the State will improve implementation. We appreciate the State's efforts in preparing the SPP under a short timeline and in the face of many other competing priorities. In the SPPs, due by December 2, 2005, States were able to include: (1) baseline data that reflect the State's efforts to implement Part C of the IDEA; (2) measurable and rigorous targets for the next six years for each of the indicators established by the Secretary in the priority areas under section 616(a) of the IDEA; and (3) activities the State will undertake to improve implementation of Part C.

The Office of Special Education Programs (OSEP) is pleased to inform you that your State's SPP under Part C meets the requirements of section 616(b) to include measurable and rigorous targets and improvement activities. The State must make its SPP available through public means, including posting on the State lead agency's website, distribution to the media, and distribution through public agencies. (Section 616(b)(2)(C)(ii)(I)).

Under section 616(b)(2)(C)(ii)(II) of the Act, the State must annually report to OSEP on its performance under the SPP. The State's first Annual Performance Report (APR) on its progress in meeting its targets is due to OSEP by February 1, 2007. Attached to this letter you will find Table A that addresses issues identified during our review of the SPP that - while not requiring disapproval of your plan - will affect our annual determination of State performance and compliance based on data presented in the State's APR. As a result, your State needs to provide additional information as part of its February 2007 APR submission. Table B includes OSEP's analysis of your submission related to previously-identified noncompliance or other issues included in our November 14, 2005 letter that responded to your State's Federal fiscal year (FFY) 2003 APR, that also may require additional reporting.

In addition to reporting to OSEP, the State must report annually to the public on the performance of each early intervention service (EIS) program located in the State on the targets in the State's performance plan. (Section 616(b)(2)(C)(ii)(I)) The requirement for public reporting on EIS program performance is a critical provision related to ensuring accountability and focusing on improved results for infants and toddlers with disabilities. OSEP will be providing technical assistance regarding the reporting on EIS program performance at the National Accountability Conference, September 18 and 19, 2006 in Denver and through periodic technical assistance conference calls.

We hope that your State found the August 5, 2005 guidance on submission of the SPPs and the technical assistance that we provided through the August 11-12, 2005 Summer Institute, periodic conference calls, and the SPP Resources website helpful in this endeavor. If you have any feedback on our past technical assistance efforts or the needs of States for guidance, we would be happy to hear from you as we work to develop further mechanisms to support State improvement activities.

Thank you for your continued work to improve results for infants and toddlers with disabilities and their families. We encourage you to work closely with your State Contact as you proceed in implementing improvement activities and developing your APR. If you have any questions regarding the SPP or the APR, please contact Barbara Route at. 202-245-7510.

Sincerely,

Troy R. Justesen
Acting Director
Office of Special Education
Programs

Enclosures
Table A
Table B

cc: Dawn Downer
Part C Coordinator

TABLE A
Issues Identified in the State Performance Plan
INDIANA PART C

<u>spp</u>	<u>Issue</u>	<u>Required Action</u>
<p><u>Indicator</u> Indicator 1:</p> <p>Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.</p> <p>(20 U.S.C. 1416(a)(3)(A) and 1442)</p>	<p>Noncompliance: The State reported an 80% level of compliance for Indicator 1, specifically the requirement at 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1).</p> <p>Other: On page 3 of the SPP, in the State's computation of its baseline data for this compliance indicator, the State may have included children for whom reasonable delays were attributable to exceptional family circumstances documented in the child's record.</p> <p style="text-align: center;">"</p>	<p>Noncompliance: The State must ensure that this noncompliance is corrected within one year of its identification and include data in the APR, due February 1,2007, that demonstrate compliance with this requirement. The State should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p> <p>Other: In the APR, due February 1,2007, the State should not include in the calculation children for whom the State has identified the cause for the delay as exceptional family circumstances documented in the child's record. The State must include in its discussion of data, the numbers it used to determine its calculation under this indicator and report separately the number of documented delays <u>attributable to family circumstances</u>.</p>
<p>Indicator 5:</p> <p>Percent of infants and toddlers birth to 1 with IFSPs compared to:</p> <p style="padding-left: 40px;">A. Other States with similar eligibility definitions; and</p> <p style="padding-left: 40px;">B. National data.</p> <p>(20 D.S.C. 1416(a)(3)(B). and 1442)</p>	<p>On page 17 of the SPP, the State provided baseline information using its December 1,2003 child count data. The State indicated that it would amend the baseline data in its next APR submission, due February 1,2007.</p> <p>See numbers 3 and 4, in Indicator 6 below, that address issues relating to the State's proposed changes to its eligibility criteria and system of payments.</p>	<p>In the APR, due February 1,2007, the State must include both updated baseline data for FFY 2004 (July 1,2004 through June 30, 2005) and its first reporting of progress data for this target from FFY 2005 (July 1,2005 through June 30, 2006). Failure to include these data for both years may affect OSEP's determination in 2007 of the State's status under section 616(d) of the IDEA.</p>

Table B Previously
Identified Issues INDIANA
PART C

Issue	State Submission	OSEP Analysis	Reauired Action
<p>Indicator 8C: Whether there is compliance with the transition planning conference requirements at 34 CFR §303.148(b)(2)(i).</p> <p>OSEP identified this issue as an area of noncompliance based on data from the State's 2001 Self Assessment and 2002 Improvement Plan. OSEP's February 2004 letter accepted the State's Improvement Plan and required the State to submit a final Progress Report showing cOITection of the noncompliance by September 3, 2004.</p> <p>In its FFY 2003 APR, the State reported that 71.1 % of families whose child exited Part C when the child turned three had a "" transition meeting more than 90 days prior to the child's third birthday, and, of the families who did not have a transition planning meeting, 72.6% did not indicate the reason.</p> <p>OSEP's November 14,2005 letter responding to the APR stated that it was unclear whether the data measured compliance with the requirements of34 CFR §303.148(b)(2)(i), because the State also noted that of the families who responded, 80.9% chose not to have the meeting, which would not constitute noncompliance. OSEP's letter required the State to clarify whether its transition conference data represented compliance with 34 CFR §303.148(b)(2)(i), and, if they did not, to submit any additional or revised strategies to ensure compliance as soon as possible.</p>	<p>The State reported on pages 29 and 30 of the SPP, a 93% level of compliance with the Indicator 8C transition planning conference requirements at 34 CFR §303.348(b)(2)(i).</p>	<p>The State did not address whether it included in its calculation families who did not provide approval for the transition conference. While the State referenced the Indiana Family Transition Survey in the SPP appendix as the source of the data, the survey was not attached.</p> <p>As noted in Table A, Indicator 8, survey data may not serve as the sole basis for deteITning compliance with this indicator.</p> <p>See Table A for issues identified in the State Performance Plan relating to Indicator 8B.</p>	<p>The State must ensure that it is implementing improvement strategies that enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time will affect OSEP' s determination of the State' status under section 616(d) of the IDEA.</p>